

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

TAKEN-UP WRIT PETITION No.15287 of 2004

Between:

P.Raja Sekhar, S/o Siva Malleswara Rao,
C/o Unnam Raghavaiah and Sons Complex, Karampudi Mandal and
Village, Guntur District.

..... PETITIONER

AND

- 1 The Superintendent, Rajahmundry Open Jail,
Rajahmundry, East Godavari District
- 2 The District Collector, East Godavari District at Kakinada
- 3 The Deputy Inspector General of Prisons, Govt.of A.P.,Kakinada, East Godavari
District.
- 4 The Secretary to the Govt.of A.P., Home (Prison) Dept., Secretariat, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the respondents herein (1) Relating to the father of the Petitioner herein namely, Siva Malleswara Rao, who was sentenced to imprisonment for life by the Sessions Court of Guntur on 11-3-1997, and kept in Rajahmundry Open Jail, and not releasing him as per G.O.Ms.No.190 on 15th August, 2004; and (2) not including 101 days of parole as imprisonment for life of the petitioner's father and to pass appropriate orders directing the concerned authorities to release the father of the petitioner herein, who has completed seven years of imprisonment without any remark, by inclusion of 101 days of his parole

period in his seven years of completed imprisonment in the interest of justice.

Counsel for the Petitioner: LETTER

Counsel for the Respondents : G.P. FOR HOME

The Court at the admission stage made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

We have gone through affidavit in reply and the Rules known as Suspension of Sentence on Parole Rules, 1957. Rule 18 of the Rules says that period spent on parole shall not be counted as part of sentence. Having regard to the said position, no direction can be issued in this writ petition.

Petition is dismissed.

(DEVINDER GUPTA, C.J.)

28th September 2004.

(C.V.RAMULU, J.)

ARS

To

- 1.The Superintendent, Rajahmundry Open Jail,
Rajahmundry, East Godavari District
- 2.The District Collector, East Godavari District at Kakinada
- 3.The Deputy Inspector General of Prisons, Govt.of A.P.,Kakinada, East Godavari District.
- 4.The Secretary to the Govt.of A.P., Home (Prison) Dept., Secretariat, Hyderabad.
5. Two CD copies.